

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

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|---|---|---------------------------------|
| ETHAN RADVANSKY, <i>on behalf of</i> <i>himself and others similarly situated,</i> |) | |
| |) | Civil Action No.: 1:25-cv-02777 |
| |) | |
| |) | Class Action Complaint |
| Plaintiff, |) | |
| |) | Jury Trial Demanded |
| v. |) | |
| |) | |
| DESTINATION XL GROUP, INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |

**PLAINTIFF'S MOTION TO ENLARGE HIS BRIEF BY TEN
PAGES IN OPPOSITION TO THE DEFENDANT'S MOTION TO DISMISS**

Plaintiff respectfully moves for leave to file an Opposition to Defendant's Motion to Dismiss not to exceed thirty-five (35) pages, i.e., ten (10) pages beyond the twenty-five (25) page limit set by LR 7.1(D). Good cause exists, and no party will be prejudiced.

Local Rule 7.1(D) limits principal briefs to 25 pages absent prior permission of the Court. Plaintiff seeks such permission for the Opposition only.

Despite diligent editing, Plaintiff does not believe he cannot responsibly present the issues within 25 pages because the motion raises interlocking questions that require targeted but adequate treatment, including: (i) whether texts are "calls" under § 227(c) given the "call or message" definition, same-term/same-meaning

across § 227(b)/(c), and the statute’s privacy purpose; (ii) post-*McLaughlin* framing of agency interpretations; (iii) the FCC’s long-standing implementation and 2023–24 codifications; (iv) congressional ratification (TRACED Act); (v) distinguishing a small group of recent outlier district decisions; (vi) Rule 8 direct liability allegations; (vii) residential use and DNC registration; and (viii) why class issues should be resolved on a factual record rather than at the pleadings stage.

The request is modest and confined to this brief. Defendant may respond within the existing limits or seek comparable relief. Granting this motion promotes efficient adjudication by allowing a clean, consolidated presentation without piecemeal supplemental briefing.

On September 11, 2025, Plaintiff’s counsel attempted to meet and confer with Defendant’s counsel regarding this request for excess pages. As of the time of filing, counsel has not received a response. Because Plaintiff’s Opposition is due on September 17, 2025, Plaintiff files this motion as promptly as possible to avoid last-minute relief and to allow the Court adequate time to consider the request. Plaintiff will promptly notify the Court if Defendant states a position after filing.

Plaintiff respectfully requests leave to file an Opposition to the Motion to Dismiss not to exceed 35 pages. All other formatting requirements of LR 7.1 will be observed.

Date: September 11, 2025

/s/ Anthony Paronich

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